

Report From Agency

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 10-006

Rule No.: Chapter Comm 48

Relating to: Petroleum and Other Liquid Fuel Products

Contact person for substantive questions:

Contact person for internal processing:

Name Sam Rockweiler

Name (same)

Title Code Development Consultant

Title _____

Telephone Number 266-0797

Telephone Number _____

1. Basis and purpose of the proposed rule.

The proposed rule changes primarily consist of updating chapter Comm 48 to include the latest revisions of several recently updated national standards for petroleum and other liquid fuel products. Section 168.07 (2) of the Statutes requires the Department's inspections of these products to be conducted in accordance with these latest revisions.

The proposed changes also include several clarifications and refinements relating to administration and enforcement by the Department's inspectors.

2. How the proposed rule advances relevant statutory goals or purposes.

Under chapter 168 of the Statutes, the Department is responsible for inspection of petroleum products that come into Wisconsin. Chapter 168 requires that these petroleum products meet minimum product-grade specifications as prescribed by rule by the Department; and that the Department's inspections be conducted, so far as applicable, in accordance with the latest standards produced by ASTM International. The proposed changes to chapter Comm 48 primarily include updating its grade specifications and inspection requirements to be consistent with the current, corresponding ASTM standards.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No substantive changes were made to the rule analysis or fiscal estimate.

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

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Final regulatory flexibility analysis not required. (Statement of determination required.)

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.

Chapter 168 of the Statutes requires that petroleum products meet minimum product-grade specifications as prescribed by rule by the Department; and that the Department's inspections be conducted, so far as applicable, in accordance with the latest standards produced by ASTM International. Those statutory provisions do not exempt small businesses from these grade specifications or inspection requirements.

Updating chapter Comm 48 to make it consistent with current national standards for petroleum products and fuel ethanol, and inclusion of the clarifications and refinements relating to administration and enforcement, are expected to simplify compliance efforts for both small and large businesses.

2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

No issues were raised by small businesses.

3. Nature and estimated cost of preparation of any reports by small businesses.

No new reporting would be required for compliance with the proposed rules.

4. Nature and estimated cost of other measures and investments required of small businesses.

No significant new other measures or investments would be required for compliance with the proposed rules.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the proposed rules.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the proposed rules.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 10-006

RULE NO.: Chapter Comm 48

RELATING TO: Petroleum and Other Liquid Fuel Products

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Name: Sam Rockweiler

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Legislative Council report recommendations accepted in whole.

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Yes

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No

1. Review of statutory authority [s. 227.15(2)(a)]

- a. ☒ Accepted
- b. ☐ Accepted in part
- c. ☐ Rejected
- d. ☐ Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

- a. ☒ Accepted
- b. ☐ Accepted in part
- c. ☐ Rejected
- d. ☐ Comments attached

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. ☒ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. ☒ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. ☐ Accepted
 - b. ☒ Accepted in part
 - c. ☐ Rejected
 - d. ☒ Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. ☒ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. ☒ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached